

State prisoner habeas corpus petitions may be brought either in the federal judicial district in which the state court of the conviction is located or, when the prisoner is confined in a prison located in another federal district in the same state as the state of conviction, the petition may also be brought in the district of confinement. See 28 U.S.C. § 2241(d). Section 2241(d) also provides that the district court for the district in which the petition is filed may “in furtherance of justice” transfer the petition to the federal district court in which the state court of the conviction is located. 28 U.S.C. § 2241(d); see also Miller v. Hambrick, 905 F.2d 259, 262 (9th Cir. 1990). Here, Petitioner is confined in the Eastern District of North Carolina, and it also appears that

Petitioner's underlying state court of conviction lies in the Eastern District of North Carolina.¹

This Court will, therefore, transfer this action to the Eastern District of North Carolina.

IT IS, THEREFORE, ORDERED that:

1. This action is transferred to the Eastern District of North Carolina.
2. The Clerk is directed to terminate this action.

Signed: May 14, 2018

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge



¹ Petitioner alleges that he was awaiting trial on pending charges in Mecklenburg County when he was transferred to Pasquotank Correctional Institution based on violating the conditions of supervised release. The North Carolina Department of Public Safety website indicates that Petitioner's last state court conviction was on January 28, 2015, in Wake County, North Carolina.